

Madam Chair, Co-Chair and Committee members, thank you for taking my comments.

In recent a news article "McKee says public safety is the board's first concern, but that he considers the best interest of society to be "having that [inmate] go from being incarcerated, back into the community, as a productive member." "I don't think we're trying to keep anybody in prison longer than absolutely necessary," says Pete Lawrenson, a board member and retired Missoula police chief. "If we can get them back out to community placement and parole, we do that."

These statements by members of the BOPP in this news story are not credible in the case of my husband Clive Kinlock, who was ordered deported upon parole. He has currently served more time than some people who were convicted of murder, such as fellow inmate Rafael who was paroled to Mexico at the same time Clive went up for parole in 2009, even though he had served less time than Clive. Why was he allowed to be deported not Clive? Also, Clive's record of achievement and good conduct was then, and remains still, notable and commendable; however the Parole Board has yet to comment on that. If the above statements were true then considering the challenges we will face integrating into his native culture upon his release should be taken into consideration regarding his parole, especially since most of his family members no longer call Jamaica home. Director Johnson's insistence on three more years of incarceration, although he has already been in prison for 22 years, will cost not only the State of Montana needlessly – since he is treatment complete and considered rehabilitated - but has the potential of hindering his wage earning capabilities. How does this help him reintegrate 'back into the community, as a productive member'? He currently has a job waiting in Jamaica, but to think it will still be available in 3 years is questionable.

In March my husband submitted his Progress Review and Parole Plan documents to the BOPP and in this handout is the response he received last week from Director Fern Osler Johnson, and his reply to her letter. Director Johnson's letter makes a strong case for discrimination due to its failure to adhere to policy and suggests that my husband is not receiving a fair review. In fact, he is not getting a review by Board members at all, since Director Johnson has blocked the parole process from going past her. At the last Committee meeting Director Johnson stated that inmates who do not pursue the parole process and opt instead for serving out their sentence, are lazy, preferring the *amenities* of prison life, to freedom. The fact is, for many like my husband, there is currently no standard of consistency or accountability inmates can rely on. Many believe that personal bias and discrimination are the relevant factors determining parole rather than objectivity and policy. We believe that people who have a prejudiced contempt for inmates should not be representing the Board of Pardons and Parole.

The current BOPP does not seem to take into consideration many, if any, of the humanitarian concerns of some incarcerated people. They state that "parole is not a right, it is a privilege" and that "not everyone who is eligible and has a good prison record should be allowed parole." This attitude jeopardizes an inmate's due process for a fair and unbiased parole hearing making discrimination *modus operandi*. We believe this aspect of the parole system needs to be examined and corrected, since it reduces incentive and creates hopelessness for the many, like my husband, whose efforts to rehabilitate will never be enough to gain parole.

Law and Justice Meeting
April 28, 2014

April 23, 2014

Executive Director Fern Osler Johnson

Re: Denial of Progress Review for Clive W. Klnlock #32704

On April 15, 2014 I received your denial letter of my application which contained new information and many circumstance changes since my last initial appearance in 2009, and my early review request in 2011.

In accordance with ARM .0.25.402 my application met the required criteria which means my latest application is to be decided on by the Board to approve or deny, regardless of how many times a request has been previously denied. "If a request meets the criteria set forth in the Administrative Rules and not made more frequently than six months, only the Board can approve or deny a request for early review." According to policy my Progress Review Application should be forwarded for review to the Board members for a decision on the new information provided. These changes of circumstances must be allowed to be viewed by the Board to give me every opportunity to achieve parole.

You gave 'two reasons' why you have refused my request for the Board to decide on my March 6, 2014 Progress Review, one being that "the board has stated previously on two occasions' that it was not willing to consider any form of release prior to my next appearance date of March 2017. You attached copies of the Board's 2009 case disposition that highlighted their reasons: "Release at this time would diminish severity of offense(s)," and the other reason was "nature or severity of offense(s)," which basically mean the same thing. Those were the listed reasons given in 2009. I am now compelled to ask these very important questions: *How am I supposed to overcome the nature of severity of offense(s)? What does the Board recommend that I do that will diminish the severity of my offense(s)?* Please advise. These are questions the Board must help me gain answers to so that I can best be suitable in the BOPP's eyes for parole. How does an incarcerated person overcome such reasons for why they are denied parole since what you are saying I need to accomplish to achieve parole is impossible? How will adding three more years to my already 22 years, while already being treatment complete many times over, and with the significant 13 ½ years clear conduct I've earned, make a difference regarding my suitability for parole?

Attached also to your letter of denial, is the denial of my letter dated 7/28/2011, asking for early review which gave no reason at all for its denial. The Administrative Review, Reappearance and Early Review .0.25.402(E) states: "Board staff will notify the offender in writing if early review has been granted or denied." "If the request is denied the notice to the offender will state the reasons for the denial." Per policy, I am requesting clarification to my 7/28/2011 denial. I was given no written reason(s) which I am entitled to, per policy.

Regarding the comments in your letter about my March 2014 Progress Review, staff at CCC viewed that Parole Report Summary Recommendation as a BOPP official document which is

why they were willing to submit a Progress Review in my behalf. They also read the last line in the report that states: "I would recommend that we place Kinlock on review status and not look at his case again for another (5) years – 3-10-09." Therefore I dispute your statement that I *'continue to convolute the information to CCC staff, and apparently, your wife.'*

Additionally, you claim that because this report was not signed it was just 'a recommendation' which is now being rejected. Ironically, the same unofficial Summary and Recommendation Parole Report, and the statements in that record are currently being used against me. In that report I was referred to as committing "very heinous and sadistic crime." This statement is now being made public by the BOPP who now conveniently refuse to honor my March 2014 Progress Review date. If they are not willing to honor the Summary and Recommendation, why are you, Director Fern Osler Johnson, not willing also to remove this unsigned, unofficial report from my file? If this Summary and Recommendation Parole report is being rejected which stops me from receiving my Progress Review, then this unsigned, bias document needs to be removed from my file.

I am currently an illegal alien in your prison system in the United States of America and would like to know the real reason why the Board refuses to turn me over to be deported, while I watch Mexicans, Canadians, etc. routinely receive parole to their detainers back to their countries.

It is my opinion that to deny my March 2014 request without passing it on to the Board for their review shows personal prejudice towards me. As for my wife, she is doing everything she is *supposed* to be doing to bring about fairness and justice for me and help work towards my release. She has distributed factual information regarding my accomplishments and positive recommendations for parole provided by the very people who know me directly, that I am rehabilitated and not the monster you claim me to be. This seems to be what the BOPP system as a whole refuses to consider in its evaluations and consideration regarding me for parole. The only information you seem to relish in is some supposed infraction of honor on my part. Every attempt to provide a more balanced view of who I am as a person *should be* endorsed by the Parole Board who claims to be unbiased and professional.

Sincerely,

Clive W. Kinlock

cc MSP records
Warden Fender, CCC; file
Attorney Ronald F. Waterman
Law & Justice Committee Members



BOARD OF PARDONS AND PAROLE

Steve Bullock, GOVERNOR

STATE OF MONTANA

FERN JOHNSON,
EXECUTIVE
DIRECTOR

(406) 846-1404
FAX (406) 846-3512
boppa.state.mt.us

1002 HOLLENBECK ROAD
DEER LODGE, MONTANA 59722

DATE: 4-15-2014

TO: Kinlock, Clive # 32704
CCC
50 Crossroads Drive
Shelby, Mt 59474

FROM: Fern Johnson

RE: Your letter requesting progress review

In your letter to Asst. Warden Fender and in your request for a Progress Review, you refer to "Parole Report Summary Recommendation dated 3/10/09" and state that it is official documentation that your file would be reviewed in March 2014. That is untrue and a misrepresentation. This document is exactly what it says it is... a "Recommendation". It is not signed by any Board Member. It was a recommendation made by the Parole Board staff to the Board members that were making the decision regarding your parole in March 2009. If you have a copy of the recommendation, you certainly have a copy of the final, and official, decision of the Board. The formal disposition, which you failed to include in your correspondence to Warden Fender, is signed and dated by the Board members. That disposition clearly states, "Parole denied. Reappear before 03-2017 Bd. Continue with SOP treatment." I will enclose a copy of the disposition, so that you may include it in any future correspondence that you and your wife may wish to distribute.

The Board revisited your case in July of 2011. That disposition said, "Bd has considered and reviewed all the information submitted pertaining to your request for early review and has determined that the request be denied. The Bd was aware at the time of hearing of your treatment accomplishments, housing unit/work evolutions and institutional adjustment and chose to deny your application for parole and schedule you for a reappearance in March, 2017. The Bd is not willing to consider any form of release prior to your next appearance in March, 2017."

I will not submit your request for an early progress review to the Board, for two reasons. The first one is, the Board has stated previously on two occasions that they do not wish to review your case before March of 2017. And secondly, your request was based on inaccurate information as mentioned in the first paragraph. You continue to convolute the information to CCC staff and, apparently, your wife. The Board decision has been made clear.

Sincerely,

A handwritten signature in cursive script that reads "Fern Johnson".
Fern Johnson, Executive Director

cc: Warden Fender, CCC; file

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STATE OF MONTANA - BOARD OF PARDONS AND PAROLE CASE DISPOSITION

☒ Initial

☐ Reappearance

☐ Review

TO: Kinlock, Clive

DOC ID: 32704

After careful evaluation of all relevant facts known to the Board, including those under §46-23-202(1), MCA, and in accordance with §46-23-201 through §46-23-218, MCA, the Board denies your parole application or reapplication at this time.

Reappearance Date: 3/2017

Progress Review Date: _____

☐ Pass to Discharge

A. In the opinion of the Board, there is reasonable probability that you are not currently able and willing to fulfill the obligations of a law-abiding citizen. Our conclusions are based on the following:

NEED FOR IMPROVED:

- ☐ Institutional conduct
☐ Institutional custody level

- ☐ Housing unit/work evaluation
☐ Parole plan

- ☐ No interest in parole
☐ Attitude toward authority

Remarks/Other: _____

B. In the opinion of the Board, there is reasonable probability that you cannot be released at this time without being a detriment to yourself or the community. Release at this time would not be in the best interest of society.

OUR CONCLUSIONS ARE BASED ON THE FOLLOWING:

- ☒ Nature or severity of offense(s)
☐ Previous criminal history
☐ Pattern of similar offenses
☐ Escape(s) from custody

- ☒ Multiple offenses
☐ Poor history in community placement and/or under supervision
☐ Repeat sex offenses
☐ Strong objection from criminal justice authorities and/or citizenry

Remarks/Other: Release at this time would diminish severity of offense.

C. In the opinion of the Board, there is a need for education, job training, treatment, or continued treatment to enhance success on parole and further insure that the applicant is willing and able to fulfill the obligations of a law-abiding citizen.

THE FOLLOWING ARE INDICATED NEEDS:

- ☐ Adult Education/GED
☒ Sex offender treatment
☐ Anger management
☐ No early consideration

- ☐ Chemical dependency counseling
☐ Mental health
☐ Pre-release extended stay/worker
☐ Request a return/review

- ☐ TSCTC/ ICP/Aftercare
☐ CP&R
☐ Pre-release

Remarks/Other: Continue with SOP treatment

BOPP (white)
INMATE (yellow)
RECORDS (pink)
IPPOs (gold)

Board Member Samuel Benaid

Board Member [Signature]

Board Member [Signature]

Date: 3.31.09



BOARD OF PARDONS AND PAROLE

1002 Hollenbeck Road – Deer Lodge Montana

TO: Kinlock, Clive

No: 32704

Date: 7-28-2011

The State of Montana Board of Pardons and Parole has, in regular session, taken the following action in your case:

The Board has considered and reviewed all the information you have submitted pertaining to your request for early review and has determined that your request be denied. The Board was aware at the time of your hearing of your treatment accomplishments, housing unit/work evaluations, and institutional adjustment and chose to deny your application for parole and schedule you for a re-appearance in March, 2017. The Board is not willing to consider any form of release prior to your next appearance date of March, 2017


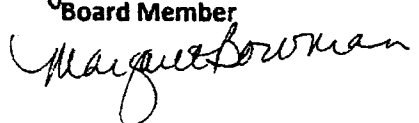
By:


Board Member

By:

Board Member

By:


Board Member


CC: BOPP, Records, Inmate, IPPO's